

AN ORDINANCE

AMENDING, the Comprehensive Development Code of the City of Marietta.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Division 714, Section 714.03, Signs exempt from permit regulations, is hereby amended as follows:

714.03 Signs exempt from permit regulations

The following classes of signs are exempted from permit requirements, but other limitations, regulations, and requirements (such as setback from right-of-way or signs not to constitute a hazard) concerning such signs remain applicable.

- A. ~~Announcement signs. Limit two with an aggregate area of no more than 4 square feet. Restricted to business hours, open/close, credit card acceptance or other incidental information. Must be in window of business being advertised.~~
- B. Signs, notices, traffic signs, official flags and emblems erected by or on order of governmental jurisdictions.
- C. National flags and flags of political subdivisions, including the official flag of the United States, State of Georgia, Cobb County, or the City of Marietta that are attached to a flagpole mounted on the ground or to flagstaffs attached to the façade of a structure.
- D. Traffic movement and internal directional signs not to exceed 4 square feet per sign face and 2 feet in height. Limited to one per curb cut. No advertising text may be affixed.
- E. Temporary political campaign signage (including posters and advertisements) limited to 32 square feet per sign area and there shall be no more than two sign faces per road frontage. Any political signage that does not meet these requirements shall be required to obtain a sign permit and follow those restrictions set forth for that type of sign. All signs must be removed within 5 days of the last day that the candidate's name or that issue appears on a ballot for a primary, runoff, general or special election. All such signs are prohibited (a) within any public right-of-way, (b) on any public property or building, (c) on any private property unless the owner thereof has given permission.
- F. Delivery receptacles for mail and newsprint deliveries.
- G. Construction/development signs when placed at a location under construction or alteration, not to exceed 15 square feet in residential districts or 50 square feet in non-residential districts. All such signs shall be removed from site upon issuance of certificate of occupancy.
- H. Real estate signs shall be limited to one per property road frontage and shall be removed within 5 days of the sale or lease of the property.

1. Real estate signs in developed residential districts are limited to the sale of property, shall be no more than 6 square feet in size, and shall be removed 5 days after the sale or lease of the property. In undeveloped residential districts, real estate signs are limited to the sale of property, shall be no more than 32 square feet in size, and shall be removed 5 days after the sale or lease of the property.
 2. In non-residential districts, real estate signs are limited to the sale or lease of property, shall be no more than 32 square feet in size, and shall be removed 5 days after the sale or lease of the property. No more than 2 such signs per lot shall be allowed and they shall be removed within 5 days of the sale or lease of the property.
- I. Real estate directional signs, one per property road frontage not otherwise dedicated for other signage allowance, limited to 6 square feet in developed residential districts and 32 square feet in undeveloped residential districts or non-residential districts. No more than 2 such signs per lot shall be allowed and they shall be removed within 5 days of the sale or lease of the property for which directions are provided.
- J. Window signs are permitted in nonresidential districts subject to those standards, which apply to wall signs. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance for the building. No more than 50% of the windows of a business shall be used to display window signs and the signage in a single window shall not account for more than 50% of a window face.
- K. Building addresses and emergency information.
- L. Inflatable devices or balloons.
- M. Temporary-local directional signs (T-LDS).
1. Definition. T-LDS are short-term signs that direct attention to or convey directions through the use of words, symbols, arrows or otherwise, to a temporary or non-permanent event or happening such as a church or community gathering, yard sale, moving sale, estate sale or the sale of an individual house. TLDS do not include off-premise outdoor advertising signs, nor signs as defined under the WSDS.
 2. Zoning districts. T-LDS shall be allowed in all zoning districts. However, T- LDS in residential zones shall only provide direction to residential real estate for sale or to a noncommercial place or event.
 3. No permit required. T-LDS do not require a permit or a permit fee.
 4. Sign area. T-LDS may be single or double faced. Each face may be up to four square feet.
 5. Height. T-LDS shall not exceed three feet in height.
 6. Construction. T-LDS shall be mounted on an independent single or double pole device. T-LDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, federal, state or county signs or poles, or other permanent signs or sign structures. T-LDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No such sign shall be made of paper.
 7. Location. No T-LDS shall be located closer than one foot from the right-of-way. T-LDS must be on private property with permission of the owner. No T-LDS shall be located beyond a one-mile radius of the ultimate location to which it provides direction.
 8. Number. A maximum of four T-LDS are allowed for any location to which the T-LDS provide direction. A maximum of one T-LDS per event or property for sale may be located upon any one lot.
 9. No more than 3 events may be held annually at any location.

10. Identification on sign. Each T-LDS shall be legibly marked with the name and telephone number of the sign owner. This information must be written in weatherproof ink or paint upon at least one face of the T-LDS and in letters of at least one-half inch in height. All T-LDS shall display legibly the date and address of the activity and/or event. Any T-LDS that does not contain the above information shall be subject to immediate removal by code enforcement personnel and/or other such remedies provided by this article.
11. Placement and Removal. A T-LDS shall not be placed on the property more than seven days prior to the event to which it provides direction, and shall be removed within 24 hours after the event is over. It shall be the sign owner's responsibility to remove the sign. This provision shall require removal of any real estate T-LDS providing direction to a subdivision or other real estate for sale within ten days of the closing of the sale of that property, or the last lot of the subdivision.
12. Enforcement and penalties.
 - a. Violation deemed public nuisance. Any violation of this article is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on city roadways.
 - b. Removal of signs without notice. The enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign: (i) is upon the public right-of-way or upon other public property; (ii) poses an immediate threat to the life or health of any members of the public; or (iii) the sign does not have a permit and is in violation of this article. In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to anyone or combination thereof of the following: (i) to the owner of the sign; (ii) to the erector of the sign; (iii) to the property owner upon which such illegal sign is located; or (iv) to the person or to the business entity who procured the erection of the sign.
 - c. Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.
 - d. Penalties. Violators are subject to penalties as identified in Section 714.07.H

Section 2: Division 714, Section 714.06(A) is hereby amended as follows:

714.06 Prohibited signs

- A. The following signs are prohibited in all zoning districts:
 1. Pylon signs
 2. Signs, fliers, bills, posters, or any other such object placed upon or affixed to sidewalks, curbs, or public rights-of-way or any publicly owned building or structure, whether located within or outside of the public right-of-way. These signs shall be removed immediately upon notice by the Development Services Department. Any damage or defacement resulting from such prohibited placement shall immediately be repaired or otherwise corrected by the responsible party. For purposes of enforcement, the responsible party shall be deemed to be the party benefiting or intending to benefit from the advertisement, notice or message that is required to be removed.
 3. Signs attached to a fence, fence post, tree, tree trunk, street sign, or utility pole or painted on or otherwise attached to a rock or other natural objects.
 4. Signs, which emit sound, odor, or visible matter such as, smoke or vapor.
 5. Flashing or blinking signs, or signs using varying light intensity.
 6. ~~e~~Electronic message boards, signs that contain tri-vision panels or other changeable faces, LCD, LED or plasma panels or screens, or any similar electronic signage devices or technology.

7. Rotating signs or animated signs involving motion of the body of the sign.
8. ~~Neon signs with visible tubing, neon borders, neon bands, or similar structures.~~
9. Signs that advertise an activity that is illegal under local, state, or federal laws or regulations.
10. Signs which are erected or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevent free passage from one part of a roof to any other part thereof, or attached in any manner to a fire escape.
11. Portable display signs or trailer display signs.
12. General advertising or off-premise signs located on property which has an existing sign.
13. Nongovernmental flags, pennants or other nonpermanent displays attached together or to a building, vehicle or other object by rope, string, wire or other device.
14. Abandoned or dilapidated signs.
15. Air and gas filled devices greater than two (2) feet in diameter, except as permitted under other provisions of this ordinance [see Sect 714.05(A.9)].
16. Roof Signs or signs where a portion of the sign extends above the roof of the building where the sign is located.
17. Signs in residential zones shall not be internally illuminated but may use external illumination to provide adequate visibility.

Section 3: Division 714, Section 714.08(F) is hereby amended as follows:

714.08 Downtown Marietta Sign District

F. *Regulation by Sign Type.*

1. *Wall signs.* Maximum size shall not exceed 15% of the square footage of each principal building front. Wall signs shall not extend above the parapet wall of the buildings or extend within three feet of the property line or common building line nor project out from the building facade more than 15 inches. The total permissible sign area for a single business may not exceed 15% of the building's facade and may be incorporated within wall, canopy, building identification, projecting or window signage provided that in aggregate, they do not exceed the 15% limit. No sign attached to, or painted upon, the interior glass window of door shall be included in the calculation of the 15% allowable area.
2. *Awning or canopy signs.* Canopy signs may not extend above the parapet wall and shall maintain a clear height of 10 feet above the ground level while being securely fastened by metal supports to the building surface to meet all applicable building codes. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance.
3. *Under canopy signs.* In addition to other signs, one sign attached to the underside of the canopy or awning shall be permitted for each principal entrance providing access. The display area of such sign shall not exceed 6 square feet per sign face. Signs shall be at least 8 feet above the sidewalk and 1 foot from the outer edge of the canopy.
4. *Projecting signs.* Are permitted one square foot of display area per sign face per linear foot of frontage occupied by each principal use; provided that a maximum sign area of 45 square feet shall be permitted per sign face for each projecting principal use sign allowed. The outer edge of a projecting sign shall not extend more than 5 feet from the building to which it is attached. The height of a projecting sign shall not extend above the parapet wall of the building and the lowest point shall be at least 8 feet above the established grade.
5. *Marquee signs.* A motion picture theater marquee sign may be extended to the leading edge of a marquee if located on a marquee existing on the adoption date of this article; however, the total sign area of such sign shall not exceed a total of 90 square feet. No additional permit shall be required where a sign is affixed to or part of such marquee in accordance with this article until such marquee is replaced, remodeled, or altered. New or remodeled signs shall not extend farther

than 8 feet from the facade of a building nor exceed a sign area of 45 square feet. The height of a new or remodeled marquee sign shall not extend above the parapet wall of the building, and the lowest point of the marquee sign shall not be less than 8 feet above the established grade.

6. *Building identification sign.* Building identification signs shall be permitted along each building facade. The maximum aggregate size of such signs shall not exceed an area of 75 square feet.
7. ~~*Announcement signs.* One announcement sign shall be permitted for the entrance or exit provided it is restricted to providing only emergency information, business hours, credit cards, or other such incidental business related information. Announcement signs shall not exceed two square feet.~~
8. *Temporary signs.* Temporary signs shall be permitted through the Department of Development Services provided that:
 - a) Exterior temporary “sale, rent, lease” or promotional signs shall be located on private property and may not exceed 50% of that permitted for a principal use fascia sign.
 - b) No temporary sign shall be erected for a period exceeding 30 days after which, a certificate of approval from the Marietta Historic Board of Review is required.
 - c) All temporary signs shall have the date it is first displayed written in the lower right hand corner.
9. *Non-conforming signs.* A non-conforming sign may be continued provided that:
 - a) The sign shall be maintained in good condition.
 - b) A non-conforming sign shall not be structurally altered except in conformance with the provisions of this article.
 - c) A non-conforming sign shall not be reestablished after damage exceeding 50 percent of the current replacement costs.
10. *Discontinued use or illegal signs.* All signs shall be removed within 15 days from the date a principal use is terminated, relocated, or discontinued or the sign is deemed illegal by section 714 of this ordinance. If such signs are not removed within this time period the City shall enforce the penalties as provided in section 714.07.
11. *A-frame signs.* A-frame signs shall be permitted by the Director of the Department of Development Services or the City Manager upon a City sidewalk or within any City rights-of-way according to the following conditions:
 - a) An application for a sign permit shall be made to the Department of Development Services on a form deemed appropriate by the Department Director and must be approved annually. The applicant shall be notified of the decision on the issuance or denial of the permit not later than 30 days after the filing of a complete application.
 - b) The sign must be within 10 feet of the front door of the place of business.
 - c) Each storefront is allowed one sign and in no case shall a business be allowed more than one sign.
 - d) The location of the sign must not block or restrict passageway along the sidewalk to less than four feet in width or block the ingress/egress to any building. In areas of congested pedestrian activity, a wider pedestrian path shall be required for the protection and welfare of the public. If the location of the sign is determined to be detrimental to the health, safety or welfare of the general public, the sign permit shall be denied, suspended or revoked and the sign shall be immediately removed from the public right-of-way.
 - e) The sign is limited to a maximum area of 10 square feet and a maximum height of 4 feet.
 - f) The sign must be adequately weighted and shall not be illuminated, animated, or electrically powered in any way. Signs must be made of durable materials designed to withstand exterior conditions.
 - g) The sign is allowed only during the advertising entity’s business hours and must be moved inside when the business is not open.
 - h) The City Manager or designee is authorized to remove the sign without prior notice and without cause and within the sole discretion of the City of Marietta. The City shall not have

any liability regarding the removal of such sign. The owner of the sign shall execute a Release and Indemnity Agreement in favor of the City of Marietta, shall provide the City with a copy of the liability insurance policy in an amount not less than \$1,000,000.00 and such policy shall show the City as an additional insured.

Section 4: Division 714, Section 714.09 is hereby amended as follows:

714.09 Definitions

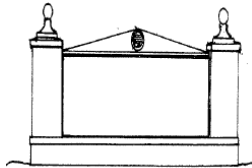
1. *Sign*: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or any building or upon a window. The flag, emblem or other insignia of a nation, government unit, educational, or charitable organization, as well as any other place of assembly, shall not be included.
2. *Sign, A-frame*: A detached, movable sign which has two (2) display areas, hinged on top, and an interior angle not to exceed sixty (60) degrees or less.
 - i. Example:



3. *Sign, abandoned*: Any permitted sign or sign structure which was erected on a premises in conjunction with a particular use which has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.
4. *Sign, animated*: A sign with action or motion with moving characters or flashing colors which require electrical energy, including wind actuated elements, such as flags or banners. This term does not include time and temperature or revolving signs.
5. ~~*Sign, announcement*: A single face nonilluminated professional or announcement sign, not exceeding two square feet in area, and attached wholly to a building, window or door. Where such sign only includes emergency information, business hours, credit cards honored and other accessory information it shall be known as an "incidental use" sign not requiring a permit.~~
6. *Sign, banner*: Any sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or fabric of any kind with only such material for backing.
7. *Sign, building identification*: A wall sign used to identify or indicate the name of a building.
8. *Sign, canopy*: A sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway, which can be mounted flush or suspended.
9. *Sign, changeable copy*: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
10. *Sign, construction*: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
11. *Sign, detached*: A permanent sign affixed to the ground which is wholly independent of any building for support. This term includes portable display signs.
12. *Sign, digital off-premises*: Electronic signage that uses LED (Light Emitting Diode) screens, plasma panels, or any similar electronic signage devices or technology as the digital display sign where content is displayed as an image.

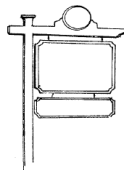
13. *Sign, dilapidated*: Any sign which in the City's reasonable opinion is structurally unsound, has defective parts, or is in need of painting or maintenance.
14. *Sign, directory*: A sign containing information relative to the location, distance to, entrance to, and exit from structures, or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick up and delivery areas, or land use activities.
15. *Sign, event*: A temporary sign advertising private sales of personal property such as "house sales," "garage sales," "rummage sales" and the like or private not-for-profit events such as picnics, carnivals, game nights, art and craft shows and Christmas tree sales.
16. *Sign, face*: The part of a sign that is or can be used for the display of any graphics, letters, numerals, or characters including any background material, panel, trim, color, or illumination that differentiates the sign from a façade or sign structure.
17. *Sign, flashing*: A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects including message boards or similar technology.
18. *Sign, freestanding*: Any sign supported by a sign structure secured in the in the ground and which is wholly independent of any other support.
19. *Sign, general advertising*: A detached sign which has a sign area greater than 250 square feet.
20. *Sign, illuminated*: A sign illuminated directly or indirectly by gas, electricity or other artificial light including reflective or fluorescent light.
21. *Sign, internally illuminated*: Any sign which has light transmitted outward through its face or any part thereof.
22. *Sign, marquee*: A projection sign attached to a roofed structure of a building which may project over public or private sidewalk or rights-of-way.
23. *Sign, monument*: Any sign that is self-contained and permanently attached to the ground that is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from 1 side of the sign to the other are permissible in the area beneath the highest point of the sign face.

a. Example:



24. *Sign, nonconforming*: Any sign that does not meet the requirements of this Division.
25. *Sign, nostalgic*: Any decorative sign made of wood, wrought iron, or similar material which contains one decorative post that has an arm that extends from the arm or any sign that has two decorative posts, not exceeding the height of the two posts.

a. Example:



26. *Sign, off-premises*: Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being identified on such sign is itself located or conducted. For purposes of this article, easements and other appurtenances shall be considered outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

27. *Sign, on-premise*: Any sign the content of which relates to the premises on which it is located, referring to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises, or conveying any other message regardless of whether said message relates to the premises where the sign is located.
28. *Sign, permitted*: Any sign for which a permit has been issued by the City of Marietta Planning and Zoning Department.
29. *Sign, personal expression*: A detached sign located on private property containing non-commercial messages of the property owner. Obscene messages are prohibited.
30. *Sign, political*: Any sign used in connection with political campaigns or civic non-commercial health, safety and welfare campaigns.
31. *Sign, portable display*: A mobile/temporary, electrical or non-electrical changeable copy sign that is mounted on a trailer type frame with or without wheels or skids or portable wood or metal frame and not permanently attached to the ground.
32. *Sign, projection*: A sign which is attached to the building wall and which extends more than 18 inches from the face of such wall.
33. *Sign, pylon*: Any freestanding sign which rests upon a pylon or pole.
34. *Sign, real estate*: A temporary sign advertising the sale, or lease of the property on which it is located.
35. *Sign, real estate directional*: A sign which conveys directions to a specific property for sale or lease, such as a real estate development, residential subdivision, apartment or condominium, home for sale, apartment for rent, or any other property for sale or lease.
36. *Sign, roof*: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
37. *Sign, temporary*: A display, informational sign, banner, or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a limited period of display, including real estate signs, accessory temporary window or display case signs, and decorative displays for holidays, or public demonstrations. This definition does not include portable display signs.
38. *Sign, trailer*: Any sign mounted on wheels and that may be moved from one location to another.
39. *Sign, vehicular*: Any sign on an operable vehicle or any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site for erection.
40. *Sign, wall*: Any sign attached to or erected against a wall which is an integral part of the building, and projects no more than 18 inches from the wall of the building. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line. A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the "box type" (i.e., letters and symbols on an attached backing) sign may also be installed.
41. *Sign, window*: A sign affixed to or displayed within 1 foot of a window in any manner so as to be visible from a public right-of-way.
42. *Sign area*: The entire face of a sign, its supporting structure and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard the space between such letters, figures or designs shall be included as part of the sign area. When a sign has parallel sides or where the interior angle formed by the faces is less than 45°, the sign shall be considered double-faced. The calculation for a double-faced sign shall be the area of one face only. The copy area of all "V" or "L" shaped signs with an internal angle of greater than 45° shall be considered as a single face. If the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.
43. *Sign clearance*: The vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.

44. *Sign height*: The distance in vertical feet from the grade of the road or the grade of the sign location, whichever is higher, to the highest point of the sign area.

Section 5: Division 724, Section 724.02 is hereby amended as follows:

724.02 Definitions of terms

For the purpose of this article, the following definitions shall apply:

- *Abut*: To physically touch or border upon; or to share a common property line.
- *Accessory building or use*: A use or a structure subordinate to the principal use or building on a lot and serving the purpose customarily incidental to the use of the principal building. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.
- *Agriculture*: The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.
- *Airport*: A place designed for the landing and taking off of aircraft, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.
- *Alley*: A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- *Alteration*: Any change or re-arrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- *Animal hospitals*: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- *Apartment house*: A structure containing three or more dwelling units.
- *Apartment unit*: One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.
- *Assisted living facility*: A facility licensed by the State of Georgia for the transitional residency of elderly and/or disabled persons, progressing from independent living to congregate housing, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.
- *Automated teller machine*: A mechanized consumer device that is operated by a customer and which performs banking and financial functions at a location remote from the controlling financial institution. An automated teller machine is an accessory use.
- *Automobile maintenance*: The routine replacement and maintenance of non-engine related parts including brake repair, tire replacement, tune-ups, and oil changing. This term shall not include engine or body dismantling.
- *Automobile repair*: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating. For vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise. Such engines, motor vehicles, trailers, or parts thereof may remain in an inoperable condition for a maximum of 30 days.

- *Automobile sales*: The use of any building, land area or other premise for the display and sale of new or used motor vehicles, and including any warranty repair work or other repair service; provided, however, that such definition shall not include the sale by an individual of motor vehicles acquired for such individual's own use and actually so used.
- *Automobile service station (gas, filling station)*: A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.
- *Automobile storage yard and wrecker service*: An establishment used for the short-term storage of damaged or confiscated vehicles.
- *Automobile wrecking yard*: Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operating condition, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise.
- *Basement*: That portion of a building built partly underground having one-half or more of its floor-to-ceiling height below the average level of the lot grade but not less than six and one-half feet.
- *Bed and breakfast inn*: A facility where overnight accommodations are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.
- *Bedroom*: A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.
- *Block*: A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways or any other barrier to the continuity of development.
- *Boarding home for sheltered care*: A profit or non-profit boarding home, rest home, or other home for the sheltered care of adult persons licensed by the State of Georgia which, in addition to providing food and shelter for up to five persons unrelated to the proprietor, also provides any personal care or service beyond food, shelter and laundry.
- *Boarding house*: A building, or portion thereof, where meals and lodging are provided for compensation for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment.
- *Briars*: A very prickly woody vine of the eastern United States growing in tangled masses and having tough, round stems.
- *Buffer*: An undisturbed area that shall remain in its natural state and enhanced with additional landscaping in order to provide separation and screening for adjacent properties and adjacent right-of-way.
- *Buffer area*: A strip of land established to protect one type of land use from another with which it is incompatible containing a continuous visual screening of vegetation and fencing.
- *Buffer, landscape*: An area using transitional screening elements such as fences, walls, and/or landscape plantings to separate and partially screen adjacent properties and adjacent right-of-way.
- *Building*: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or property of any kind.
- *Building coverage*: The horizontal area measured from the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

- *Building facade*: The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.
- *Building permit*: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
- *Building setback line*: A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps terraces, stoops or similar fixtures.
- *Bulk Sanitation Containers*- A metal container or receptacle designed to receive, transport and or dump between two and eight cubic yards of solid waste and/or garbage refuse. Bulk Sanitation Containers shall comply with the standards set forth in the Solid Waste Ordinance of the City of Marietta, Chapter 5-8 of the City Code.
- *Bulk storage*: The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.
- *Bulk Waste Container, Temporary* – A container or receptacle designed to receive, transport and or dump trash, waste and/or garbage or other materials associated with residential or commercial remodeling or construction.
- *Business park*: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual office uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- *Car wash*: A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.
- *Cemetery*: Property used for the interring of the dead.
- *Central business district (CBD)*: The major shopping area within a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, hotels, appropriate industrial activities, and transportation facilities.
- *Certificate of occupancy (CO)*: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.
- *Child care center*: A private establishment enrolling five or more children and where tuition, fees, or other forms of compensation for the care of the children is charged. The term includes day nurseries and kindergartens.
- *Church*: A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
- *City*: The City of Marietta.
- *City planning*. The decision-making process in which goals and objectives are established, existing resources and conditions analyzed, strategies developed, and controls enacted to achieve the goals and objectives as they relate to cities and communities.
- *City standards*: shall mean the City Standards of the City of Marietta, Georgia, which are hereby adopted and which are incorporated herein by reference. The city clerk shall maintain a copy of said city standards on file for inspection by the public.
- *Clean*: Orderly and free from rubbish, trash, junk, waste or garbage.
- *Clerk of superior court*: shall mean the Clerk of the Superior Court of Cobb County, Georgia.
- *Clinic*: A building or part of a building used for medical, dental, chiropractic, surgical or therapeutic treatment of human beings, excluding hospitals or professional offices of a doctor located in their residence.

- *Club or lodge, private*: Buildings or facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but primarily for profit or to render a service which is customarily carried on as a business.
- *Composting*: The controlled breakdown of organic waste (generally clipped and/or shredded yard waste and certain types of food) into a useful byproduct that can serve as mulch and fertilizer. A compost pile should be contained in a structure to reduce the possibility of attracting rodents and other animals. Further, the composting structure must: a) be located within the rear yard area of any property; b) be in a location that is not visible from a public road; c) be screened from view from any abutting neighbor's property.
- *Comprehensive plan*: A policy guideline including the Future Land Use Map adopted by the Mayor and Council representing issues, goals, policies, and actions for the growth and development of the City. While adopted by the Mayor and Council it does not serve as a development ordinance nor does it carry the force of law but rather serves as a guide to continued growth and development city wide.
- *Conditional use*: A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.
- *Condominium*: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- *Condominium, commercial*: A building or buildings used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.
- *Construction vehicle*: Any vehicle (other than passenger vehicle, pick-up or panel truck) whose primary purpose is use in land development and construction including, but not limited to, earth moving equipment and dump trucks.
- *Contractor's establishment*: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.
- *Covenant*: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.
- *Convenience stores*: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.
- *Cul-de-sac*: A minor street with only one outlet, sometimes called a "dead end" street.
- *Curb cut*: The opening along the curb line at which point vehicles may enter or leave the roadway.
- *Debris*: Debris is the remains of something that has been destroyed or broken up; an accumulation of discarded items; trash. Any solid material that is intended for disposal and that is a manufactured object, or plant or animal matter, or natural geologic material. Solid materials includes, but are not limited to materials such as asphalt, concrete, brick, lumber, wallboard, roofing materials, ceramics, and plastics resulting from construction, deconstruction, remodeling, repair, cleanup, and/or demolition operations.
- *Dedication*: Under subdivision regulations, the transfer of property from private to public ownership.

- *Density*: The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area excluding floodplains, wetlands and standing bodies of water.
- *Detention facility*: A municipal, county, or state jail used for the detention of prisoners; including; penal institutions, penitentiaries, prisons and prison institutions; detention and correctional institutions; rehabilitation institutions and work camps.
- *Development*: The division of an existing parcel of land; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
- *Display case*: A case, cabinet, or other device having a window of glass or other transparent material, or other opening, access to which is made from other than within the structure or building of which it is a part or attached to.
- *District*: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.
- *Domesticated animals*: Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, rodents, birds and fish but excluding swine, livestock and exotic animals.
- *Drive-in establishment*: An establishment which is designated to provide, either wholly or in part, service to customers while in their automobile parked on the premises.
- *Drive-in restaurant*: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.
- *Driveway*: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
- *Drug store*: A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products are sold as well.
- *Dwelling, detached*: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.
- *Dwelling, duplex*: A building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than two families.
- *Dwelling, multiple or multi-family*: A building designed for and containing three or more dwelling units.
- *Dwelling, quadruplex*: Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.
- *Dwelling, single family*: A building designed for and containing one dwelling unit occupied by one family unit.
- *Dwelling, single family attached*: A one-family dwelling attached to two or more one-family dwellings by common vertical walls. This term includes duplexes and triplexes.
- *Dwelling, triplex*: A building divided into only three dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than three families
- *Dwelling unit*: Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included in each "dwelling unit."
- *Easement*: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

- *Erosion*: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.
- *Family*: One or more related persons or four or less unrelated persons occupying a dwelling and living as a single housekeeping unit provided that all related persons are related by blood, marriage or adoption. All related persons are limited to the spouse, parents, grandparents, grandchildren, stepchildren, sons, daughters, brothers or sisters of the owner or the tenant or of the owner's or the tenant's spouse. Domestic servants employed on premises may be housed on the premises without being counted as a family. The term "family" shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.
- *Family day care*: A private residence in which a business is operated by any person who receives compensation for supervising and caring for no more than three (3) children under eighteen years of age, who are not residents in the same private residence, for fewer than 24 hours per day. Such a business shall not be registered by the State of Georgia, nor shall it be licensed by the City of Marietta.
- *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- *Flag*: The flying of national, state, county, city, or historic flags attached to flagpoles mounted on the ground or to flagstaffs attached to the façade of a structure.
- *Flag lot*: A lot or parcels approved by the City with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontages.
- *Floodplain*: That area within the 100 year regional flood contour elevation subject to periodic flooding as designated by the public works director based upon the U.S. Corp. of Engineers Flood Plain Information Reports and other federal, state and county hydraulic studies.
- *Floor area*: The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies and unfinished basements.
- *Floor area ratio (FAR)*: A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located as: $\text{Floor area} / \text{Lot area} = \text{Floor area ratio}$
- *Four-sided architecture*: Four-sided architecture involves a process during the building design phase of incorporating design elements into each of the four sides of the building while pairing economic feasibility with sustainable design.

Design elements on all sides of a building are compatible with the front elevation and/or the adjacent buildings. Architectural elements such as, but not limited to, window mullions, shutters, masonry exterior veneers, cornice detailing and window casing should demonstrate consistency on all four sides of the structure. This eliminates "brick front" or "3 sides brick" architecture and addresses the design and detailing of a building as opposed to the exterior finish material. If the budget requires the use of less expensive finish materials (i.e. siding or batten in lieu of stone or brick), the transition to these materials should be done at corners only and preferably should be incorporated on all elevations to reinforce the equal importance of the sides and rear.

- *Fraternity or sorority house*: A dwelling maintained exclusively for members affiliated with an academic college or university or other professional recognized institutions of higher learning.

- *Frontage*: The length of any property line of a premises which abuts public right-of-way.
- *Funeral home*: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
- *Garage, commercial*: A commercial structure or any portion thereof in which one or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale.
- *Garage, private residential*: A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.
- *Garbage*: Putrescible animal and vegetable wastes resulting from preparation, cooking and serving of food and the storage of produce.
- *Golf course*: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and shelters as accessory uses. A golf course is not considered an outdoor commercial recreation facility.
- *Grade*: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- *Group Home*: A dwelling shared by individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.
- *Halfway House*: A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes: 1) to help them recuperate from the effects of drug or alcohol addiction; 2) to help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or 3) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.
- *Health department*: shall mean the Cobb County Health Department.
- *Health practitioner*: A doctor, dentist, chiropractor but not including a veterinarian
- *Height*: The vertical distance measured from the mean elevation of the proposed finished grade to the highest point of a structure, sign or its supporting structure, whichever is higher.
- *Heliport*: Any area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
- *High rise residential development*: A building or buildings of at least five stories containing multi-family dwelling units and developed in accordance with the provisions of this article.
- *Historic district*: A district consisting of various zones which have substantial historic, architectural and/or cultural significance.
- *Hobby*: A pursuit outside ones regular occupation engaged in for relaxation and nonprofit making.

- *Home for the aged*: Any multifamily residential use limited to occupation by persons age 62 or older, with exception of managerial personnel. HUD elderly housing and handicapped housing; provided no health care services are furnished other than communication systems.
- *Hospital*: A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.
- *Hotel*: A building in which lodging or board and lodging are provided for transient guests, and offered to the public for compensation and which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.
- *Impervious surface*: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water including streets, roofs, sidewalks, parking lots and other similar structures.
- *Improvement*: Any man-made item which becomes part of, placed upon, or is affixed to, real estate.
- *Indoor BB/Air Rifle Shooting Range*: A facility operated by an educational, civic or non-profit organization, which provides for recreational shooting instruction and competition using BB/air rifles within a fully enclosed structure with walls constructed of brick, concrete, or masonry. The caliber of the BB/air rifles shall be no more than .177, with a muzzle velocity of no more than 450 feet per second.
- *Industrial park*: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, including warehousing and distribution, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- *Junk*: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
- *Junk vehicles*: Any wrecked or non-operable automobile, truck or other vehicle.
- *Junk yard*: Any land or building or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other materials which is ready for destruction, or has been collected or stored for salvage or conversion to some use.
- *Kennel*: Any location where boarding, caring for and keeping of more than a total of four dogs or cats or other animals or combination thereof (except litter of animals of not more than six months of age) is carried on, and also raising of show and hunting dogs.
- *Kudzu*: Kudzu is a fast growing invasive vine found in the southeastern United States that originated in eastern Asia. (*Pueraria thunbergiana*)
- *Livestock*: Poultry, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.
- *Lot*: The basic development unit, an area with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public highway or alley.
- *Lot, corner*: A lot fronting on two streets at their intersection.
- *Lot, substandard*: A lot not meeting the required minimum lot dimensions of the zoning district it is in.
- *Lot coverage*: That amount of land covered or permitted to be covered by a building(s) excluding parking areas, driveways and walkways but including accessory structures measured in terms of a percentage of the total lot area.
- *Lot depth*: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and midpoint of the rear lot line.
- *Lot line*: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

- *Lot width*: The distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement.
- *Lot of record*: A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the Clerk of the Superior Court of Cobb County; or a parcel of land, the deed to which has been recorded in the office of the Clerk of the Superior Court of Cobb County.
- *Major side setback*: The required minimum horizontal distance between the building line and the property line which abuts any street frontage not considered as the front setback.
- *Manufactured home*: A structure transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This unit must bear a HUD certificate.
- *Manufacturing, processing, assembling*: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.
- *Materials recovery facility*: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.
- *Mini-warehouse*: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
- *Minor side setback*: The required minimum horizontal distance between the building line and the side property line, provided such property line does not abut any street, public or private.
- *Modular home*: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes having been built to state construction codes.
- *Motel*: A building in which lodging or board and lodging is provided for transient guests and offered to the public for compensation with access to each unit directly from the outside.
- *Museum*: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
- *Nightclub*: An establishment which operates with its primary income generation from the sales of alcoholic beverages, and which may offer live entertainment.
- *Nonconforming use, building, lot, parcel of land*: A legally existing use or building which fails to comply with any provision of this article either at the effective date of this article or as the result of subsequent amendments.
- *Nursing home*: A home for aged or ill persons licensed by the State of Georgia as such in which persons are provided with food, shelter and medical care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.
- *Occupant*: The individual or individuals in actual possession of a premises.
- *Office, general*: Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization, but excludes such uses as retail sales, manufacture, assembly or storage of goods, or places of assembly and amusement.

- *Office, medical/dental:* Any building or part of a building in which 1 or more persons are employed in the practice of medicine or dentistry.
- *Office, professional:* Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization staffed by professionally qualified persons and their staff. Examples of qualified professions typically are licensed by the State of Georgia and include, but are not limited to, architects, real estate brokers, health service practitioners, accountants, engineers and attorneys.
- *Official thoroughfare map:* The Thoroughfare Map of the City of Marietta as adopted and amended.
- *Official zoning map:* A legally adopted map that conclusively shows the location and boundaries of zoned districts.
- *Off-street parking space:* A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.
- *Open space:* Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment.
- *Outdoor storage:* The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.
- *Parking area:* Any public or private land area used for parking vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
- *Parking lot:* Any designated area designed for temporary accommodation of motor vehicles in normal operating condition.
- *Parking space:* Any area for the exclusive parking of a single vehicle.
- *Permanent sign:* Any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.
- *Permit:* Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.
- *Permitted use:* Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- *Personal care home:* A facility licensed by the State of Georgia for the transitional residency of persons incapable of independent living, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.
- *Personal service establishment:* A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, and travel agencies.
- *Pharmacy:* A place where medicines are compounded or dispensed.
- *Places of assembly:* Any property, building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a banquet hall, private club, fraternal organization or religious institution.
- *Planned development:* A tract of land developed based on a plan which allows for flexibility of design not available under normal zoning district requirements.
- *Planning commission:* shall mean the Planning Commission for the City of Marietta, Georgia.
- *Plat:* A map representing a tract of land, showing the boundaries and location of individual properties and streets.

- *Plat, final*: The final map of all or a portion of a subdivision or site plan which is presented to the planning commission for final approval.
- *Plat, preliminary*: A map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and approval.
- *Portable Storage Units* – Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential, commercial or industrial property.
- *Public works director*: The person vested by the city manager with the responsibility of directing the operations of building inspections, fleet transportation, sanitation, street and traffic administration, street department, and traffic services.
- *Recovered (recycled) materials*: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.
- *Recovered materials (Recycling) processing facility*: A facility engaged solely in the storage, processing, and resale or reuse of recovered or recycled materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.
- *Recreational vehicles*: Boat trailers and any type of portable structure without permanent foundations, which can be towed, hauled or driven and may be designed as temporary living accommodation for recreational, camping, and travel use, and including travel trailers, truck campers on or off the truck, camping trailers and self-propelled motor homes.
- *Recycling collection point*: A primary or accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources with no processing of such items taking place.
- *Residence*: A home or dwelling utilized as living quarters.
- *Residential day care center*: A private residence in which a business, registered by the State of Georgia and licensed by the City of Marietta, operated by any person who receives compensation for supervising and caring for no fewer than four and no more than eight children under eighteen years of age, who are not residents in the same private residence for fewer than 24 hours per day.
- *Residential district*: Any zone consisting primarily of residential dwelling units.
- *Rest home*: See *Home for the aged*.
- *Retail services*: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.
- *Retail trade*: Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such goods.
- *Right-of-access*: The legal authority to enter or leave a property.
- *Right-of-way*: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.
- *Rooming house*: See boarding house.
- *Rubbish*: Also referred to as trash, junk or waste, is any unwanted or undesired material or substance; combustible or noncombustible waste material, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks,

lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

- *Sanitary*: Free from objectionable elements, not spreading pollution or contamination, the absence and/or removal of unwanted substances.
- *School*: State, county, city church or other schools, public or private, as teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high school learning centers.
- *Scrap yards (junk yards)*: A property used for the indoor or outdoor storage of materials, whether or not for sale, resale, keeping or abandonment, including scrap metal, rags, paper or other scrap material, used lumber, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
- *Setbacks*: The required space between a property line and a building or specified structure.
- *Shopping center*: A group of commercial establishments constructed as a singular entity with customer and employee parking provided on-site.
- *Sidewalk*: A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- *Sign*: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or any building or upon a window. The flag, emblem or other insignia of a nation, government unit, educational, or charitable organization, as well as any other place of assembly, shall not be included.
- *Sign, A-frame*: A detached, movable sign which has two (2) display areas, hinged on top, and an interior angle not to exceed sixty (60) degrees.
- *Sign, abandoned*: Any permitted sign or sign structure which was erected on a premises in conjunction with a particular use which has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.
- *Sign, animated*: A sign with action or motion with moving characters or flashing colors which require electrical energy, including wind actuated elements, such as flags or banners. This term does not include time and temperature or revolving signs.
- ~~*Sign, announcement*: A single face nonilluminated professional or announcement sign, not exceeding two square feet in area, and attached wholly to a building, window or door. Where such sign only includes emergency information, business hours, credit cards honored and other accessory information it shall be known as an "incidental use" sign not requiring a permit.~~
- *Sign, banner*: Any sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or fabric of any kind with only such material for backing.
- *Sign, building identification*: A wall sign used to identify or indicate the name of a building.
- *Sign, canopy*: A sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway, which can be mounted flush or suspended.
- *Sign, changeable copy*: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
- *Sign, construction*: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial

supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

- *Sign, detached:* A permanent sign affixed to the ground which is wholly independent of any building for support. This term includes portable display signs.
- *Sign, dilapidated:* Any sign which in the City's reasonable opinion is structurally unsound, has defective parts, or is in need of painting or maintenance.
- *Sign, directory:* A sign containing information relative to the location, distance to, entrance to, and exit from structures, or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick up and delivery areas, or land use activities.
- *Sign, event:* A temporary sign advertising private sales of personal property such as "house sales," "garage sales," "rummage sales" and the like or private not-for-profit events such as picnics, carnivals, game nights, art and craft shows and Christmas tree sales.
- *Sign, face:* The part of a sign that is or can be used for the display of any graphics, letters, numerals, or characters including any background material, panel, trim, color, or illumination that differentiates the sign from a façade or sign structure.
- *Sign, flashing:* A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects including message boards or similar technology.
- *Sign, freestanding:* Any sign supported by a sign structure secured in the in the ground and which is wholly independent of any other support.
- *Sign, general advertising:* A detached sign which has a sign area greater than 250 square feet.
- *Sign, illuminated:* A sign illuminated directly or indirectly by gas, electricity or other artificial light including reflective or fluorescent light.
- *Sign, internally illuminated:* Any sign which has light transmitted outward through its face or any part thereof.
- *Sign, marquee:* A projection sign attached to a roofed structure of a building which may project over public or private sidewalk or rights-of-way.
- *Sign, monument:* Any sign that is self-contained and permanently attached to the ground that is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from 1 side of the sign to the other are permissible in the area beneath the highest point of the sign face.
- *Sign, nonconforming:* Any sign that does not meet the requirements of this Division.
- *Sign, nostalgic:* Any decorative sign made of wood, wrought iron, or similar material which contains one decorative post that has an arm that extends from the arm or any sign that has two decorative posts, not exceeding the height of the two posts.
- *Sign, off-premises:* Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being identified on such sign is itself located or conducted. For purposes of this article, easements and other appurtenances shall be considered outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.
- *Sign, on-premise:* Any sign the content of which relates to the premises on which it is located, referring to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises, or conveying any other message regardless of whether said message relates to the premises where the sign is located.
- *Sign, permitted:* Any sign for which a permit has been issued by the City of Marietta Planning and Zoning Department.

- *Sign, personal expression:* A detached sign located on private property containing non-commercial messages of the property owner. Obscene messages are prohibited.
- *Sign, political:* Any sign used in connection with political campaigns or civic non-commercial health, safety and welfare campaigns.
- *Sign, portable display:* A mobile/temporary, electrical or non-electrical changeable copy sign that is mounted on a trailer type frame with or without wheels or skids or portable wood or metal frame and not permanently attached to the ground.
- *Sign, projection:* A sign which is attached to the building wall and which extends more than 18 inches from the face of such wall.
- *Sign, pylon:* Any freestanding sign which rests upon a pylon or pole.
- *Sign, real estate:* A temporary sign advertising the sale, or lease of the property on which it is located.
- *Sign, real estate directional:* A sign which conveys directions to a specific property for sale or lease, such as a real estate development, residential subdivision, apartment or condominium, home for sale, apartment for rent, or any other property for sale or lease.
- *Sign, roof:* A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- *Sign, temporary:* A display, informational sign, banner, or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a limited period of display, including real estate signs, accessory temporary window or display case signs, and decorative displays for holidays, or public demonstrations. This definition does not include portable display signs.
- *Sign, trailer:* Any sign mounted on wheels and that may be moved from one location to another.
- *Sign, vehicular:* Any sign on an operable vehicle or any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site for erection.
- *Sign, wall:* Any sign attached to or erected against a wall which is an integral part of the building, and projects no more than 18 inches from the wall of the building. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line. A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the "box type" (i.e., letters and symbols on an attached backing) sign may also be installed.
- *Sign, window:* A sign affixed to or displayed within 1 foot of a window in any manner so as to be visible from a public right-of-way.
- *Sign area:* The entire face of a sign, its supporting structure and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard the space between such letters, figures or designs shall be included as part of the sign area. When a sign has parallel sides or where the interior angle formed by the faces is less than 45°, the sign shall be considered double-faced. The calculation for a double-faced sign shall be the area of one face only. The copy area of all "V" or "L" shaped signs with an internal angle of greater than 45° shall be considered as a single face. If the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.
- *Sign clearance:* The vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.
- *Sign height:* The distance in vertical feet from the grade of the road or the grade of the sign location, whichever is higher, to the highest point of the sign area.

- *Site plan*: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.
- *Solid waste handling facility*: Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.
- *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those finished basements used for the principal use with a floor area greater than 50% of the story above.
- *Street*: A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way.
- *Street, alley*: A service way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property; not intended for general traffic circulation.
- *Street, arterial*: A street shown as an arterial street on the current official thoroughfare map.
- *Street, collector*: A street shown as a collector street on the current official thoroughfare map.
- *Street, local*: A street shown on the current official thoroughfare map as a local street.
- *Street, private*: Any right-of-way or area set aside to provide vehicular access within a development which has not been dedicated to, nor accepted by the city, and which is not maintained by the city.
- *Structure*: Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- *Subdivider*: A person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this article, or the authorized agent of such person, firm or corporation for the purpose of proceeding under these regulations.
- *Subdivision*: All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision, and where appropriate to the context, related to the process of subdividing or to the land or area subdivided.
- *Swale*: A depression in the ground which channels runoff.
- *Tavern*: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
- *Tract*: An area, parcel, piece of land, or property which is the subject of a development application.
- *Trailer*: Any vehicle or structure constructed so as to permit occupancy thereof as sleeping or living quarters, or the conduct of any business, trade or occupation, or use as selling or advertising device, or use of storage or conveyance for chattel, tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motive power. This term shall include, but not be limited to: automobiles, motorcycles, boat utility trailers, trailer coaches and manufactured homes.
- *Trailer, camping*: Shall mean any portable structure or vehicle designed for highway travel at legal speed limits without special permit which is intended for temporary living.

- *Townhouses*: Attached houses in a row or group, each house separated from adjoining houses in the same row or group by fire walls and having fee simple title.
- *Variance*: A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship as distinguished from a mere inconvenience or a desire to make more money.
- *Vehicle*: Any automobile or other vehicle propelled by its own motor and operating on ordinary roadways. As used herein, the term includes passenger cars, trucks, motorcycles, motor scooters, motorized bicycles and the like.
- *Warehouse*: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.
- *Waste materials handling and recovery facilities*: A facility engaged in the storage, processing, resale or reuse of waste materials or recovered materials.
- *Waste transfer station*: A facility used for the temporary storage and collection of waste materials.
- *Weeds*: Includes all rank and uncultivated vegetation that has grown to more than twelve (12) inches in height, or which, regardless of height, is liable to become an unwholesome or decaying mass or a breeding place for mosquitoes or vermin.
- *Wholesale trade establishment*: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.
- *Yard*: An open space on the same lot with a building or building group lying to the front, rear, or side of a building extending to the nearest lot line.
- *Front Yard*: That part of a lot which extends across the full width of a lot between the front lot line and the nearest wall or supporting member of a principal building or structure.
- *Rear Yard*: That part of a lot which extends across the full width of a lot between the rear lot line and the nearest wall or supporting member of a principal building or structure.
- *Side Yard*: That part of a lot extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of the principal building or structure on the lot.
- *Zero lot line*: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- *Zone*: A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.
- *Zoning ordinance*: The Zoning Ordinance of the City of Marietta, Georgia as adopted and amended.

Section 6: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 7: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 8: This Ordinance shall be effective upon signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:

Brian Binzer, AICP
Director of Development Services

Approved as to Form:

Doug Haynie, City Attorney

Approved by City Council:

DATE: August 10, 2011

APPROVED:

Steve Tumlin, Mayor

ATTEST:

Stephanie Guy, City Clerk